

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|---|---|------------------|
| BENCHMARK HOMES, INC., |) | |
| |) | |
| Plaintiff, |) | 8:03CV527 |
| |) | |
| vs. |) | |
| |) | ORDER |
| LEGACY HOME BUILDERS, LLC, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the plaintiff's Motion to Join B3 Architects, Inc. as a Party Plaintiff (Filing No. 140) and upon notice from counsel for the plaintiff that the case is settled. Upon consideration and for good cause shown,

IT IS ORDERED:

1. The plaintiff's Motion to Join B3 Architects, Inc. as a Party Plaintiff (Filing No. 140) is granted.
2. B3 Architects, Inc. is joined as a plaintiff in this case.
3. All filings and claims asserted in this case, since its inception, by Benchmark Homes, Inc. shall be deemed to have also been asserted by B3 Architects, Inc.
4. All filings, defenses and counterclaims asserted in this case, since its inception, by the defendants against, in opposition to, or referring to, Benchmark Homes, Inc. shall be deemed to have also been asserted against, in opposition to, or referring to, B3 Architects, Inc.
5. The Clerk of the Court and the Parties are directed to change the caption.
6. The parties shall file a joint stipulation for dismissal (or other dispositive stipulation) with the clerk of the court which will fully dispose of the case **on or before March 10, 2006**. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a)(1)(ii) and shall state whether the dismissal is with or without prejudice.
7. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 68.1.

8. The pretrial conference and trial previously scheduled are cancelled upon the representation that this case is settled.

Dated this 10th day of February, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge